

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**LADARIUS D. MCGHEE,**

**Plaintiff,**

**v.**

**Case No. 25-CV-409**

**OSHAE WILLIAMS,**

**Defendants.**

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**REPORT AND RECOMMENDATION**

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On March 18, 2025, LaDarius D. McGhee who is incarcerated and representing himself, filed a civil rights complaint under 42 U.S.C. § 1983 alleging that the defendant violated his constitutional rights. (ECF No. 1.) McGhee did not move to proceed without prepayment of the filing fee.

That same day, the clerk of court's office sent McGhee a form to Consent/Refusal to magistrate judge jurisdiction and a request to either pay the full filing fee or file a motion to proceed without prepayment of the filing fee. (ECF No. 2.) The letter warned McGhee that failure to comply with these requirements may result in the dismissal of his case.

The court did not hear from McGhee. On April 28, 2025, the clerk of court's office re-sent McGhee the same information. (ECF No. 3.). McGhee was again warned that failure to comply by the deadline would result in dismissal of his case without prejudice.

To date, the court has not heard from McGhee, nor has he moved to proceed without prepayment of the filing fee or paid the full filing fee. For this reason, the court recommends that McGhee's complaint be dismissed without prejudice.

Because none of the parties have consented to magistrate judge jurisdiction, this court cannot "resolve the case finally." *See Coleman v. Labor & Indus. Review Comm'n*, 860 F.3d 461, 475 (7th Cir. 2017). The clerk of court shall therefore randomly assign this matter to a district judge for consideration of the recommendations outlined below.

**NOW, THEREFORE, IT IS RECOMMENDED** that McGhee's complaint (ECF No. 1) be **DISMISSED without prejudice**.

**IT IS FURTHER RECOMMENDED** that, pursuant to 28 U.S.C. §1915(b)(1), McGhee must pay the \$350 statutory filing fee. Accordingly, the agency having custody of McGhee shall collect from his institution trust account the \$350 statutory filing fee by collecting monthly payments from McGhee's prison trust account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The payments shall be clearly identified by the case name and number assigned to this action. If McGhee is transferred to another institution, the transferring institution shall forward a copy of this Order along with McGhee's remaining balance to the receiving institution.

Your attention is directed to 28 U.S.C. § 636(b)(1)(B) and (C), Fed. R. Civ. P. 72(b)(2), and E.D. Wis. Gen. L. R. 72(c), whereby written objections to any

recommendation herein, or part thereof, may be filed within fourteen days of entry of this recommendation. Failure to file a timely objection with the district judge shall result in a waiver of your right to appeal.

Dated at Milwaukee, Wisconsin this 29th day of May, 2025.

BY THE COURT:  
  
NANCY JOSEPH  
United States Magistrate Judge